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REMARKS

In the Final Office Action dated September 13, 2002 claims 1, 14-15, and 27-29 were rejected under 35 USC 102(b) as being anticipated by Forman (US 5,501,759). Claims 1, 14-15, and 27-29 were rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759) in view of Wysocki et al (US 5,339,380). Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759) in view of Wysocki et al (US 5,339,380) and further in view of Erlich (4,772,275) and Vrba (US 5,957,930). Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759). Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759) in view of Wysocki et al (US 5,339,380) and further in view of Buchroeder et al (US 4,623,776). These rejections will be addressed in sections using the paragraph numbering of the Final Office Action. New claims 31-35 have been added and are supported in Figures 12 and 13. No new matter has been added.

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In the Final Office Action dated September 13, 2002 claims 1, 14-15, and 27-29 were rejected under 35 USC 102(b) as being anticipated by Forman (US 5,501,759). This rejection is based on the same rejection as sent in the Final Office Action of May 23, 2002. Independent claims 1 and 27 recite generating at least one annular beam of electromagnetic energy that is at least partially absorbed by at least one of the polymeric material and the polymeric catheter tube at the selected energy wavelength. At no point does Forman generate an annular beam as recited in the claims. As this lack of disclosure in Forman regarding the individual beams being annular is acknowledged in the Final Office Action, an anticipation rejection by Forman is inappropriate.

Applicant respectfully requests that the 35 USC 102(b) rejection over Forman be withdrawn.

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In the Final Office Action dated September 13, 2002 claims 1, 14-15, and 27-29 were rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759) in view

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of Wysocki et al (US 5,339,380).

As discussed above in section 2, Forman does not disclose the generation and directing of one or more annular beams; nor does Wysocki disclose or suggest this. For this reason alone, the instant claims are patentable over the proposed combination.

In addition, Wysocki discloses a method for splicing fiber optic cables. The cables do not overlap with one another. The splicing of adjacent fiber optic cables is far removed from sealing at least one polymeric material to a polymeric catheter tube. There is no motivation to apply the splicing techniques of Wysocki to seal at least one polymeric material to a polymeric catheter tube by generating at least one annular beam of electromagnetic energy as recited in the instant claims.

Applicant respectfully requests that the 35 USC 103(a) rejection of claims 1, 14-15, and 27-29 over Forman (US 5,501,759) in view of Wysocki et al (US 5,339,380) be withdrawn.

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In the Final Office Action dated September 13, 2002 claim 14 was rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759) in view of Wysocki et al (US 5,339,380) and further in view of Erlich (4,772,275) or Vrba (US 5,957,930). The Final Office Action states that Erlich discloses adhesive bonding or welding a catheter sheath onto a catheter tube and that Vrba discloses adhesive bonding or welding of a retractable sheath onto a catheter tube. The Final Office Action further states that it would have been obvious in the art to apply the laser heat-welding technique of Forman or (Forman taken with Wysocki) in attaching a catheter sheath onto a catheter tube in the process taught by Erlich or Vrba.

As addressed above in section 4, combining Forman with Wysocki is not an appropriate combination, and neither Forman nor Wysocki include generating and directing at least one annular beam. Neither Erlich nor Vrba are relied upon to supply this missing teaching. In light of the inappropriateness of the combination of Forman with Wysocki and the failure of

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the combination with Erlich and Vrba to disclose all of the elements of the instant claims, Applicant respectfully requests that the 103 rejection of instant claim 14 be withdrawn.

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In the Final Office Action dated September 13, 2002 claim 24 was rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759). As addressed previously, Forman does not disclose the generating and directing of at least one annular beam. Moreover, Forman does not suggest simultaneously generating at least two annular beams. Applicant therefore respectfully requests that the 103 rejection of claim 24 be withdrawn.

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In the Final Office Action dated September 13, 2002 claim 24 was rejected under 35 USC 103(a) as being unpatentable over Forman (US 5,501,759) in view of Wysocki et al (US 5,339,380) and further in view of Buchroeder et al (US 4,623,776).

The Final Office Action states that simultaneously laser heating a tubular work-piece at two locations is known in the art and exemplified in the teachings of Buchroeder (Fig. 3). However, Buchroeder discloses laser cutting at a single circular location. Fig. 3 of Buchroeder illustrates a cross-section of a circular laser cut. It does not disclose two separate cutting locations. The instant claim recites a process for bonding at least one polymeric material to another polymeric catheter tube at two locations simultaneously. Buchroeder neither discloses two simultaneous sealing locations nor suggests applying this process to catheter tubes.

In as much as Buchroeder et al is cited merely to show that simultaneously directing a laser to different locations is known in the art, Buchroeder does not serve in solving the fundamental problem with the cited references, that none teach or suggest the generation and directing of at least two annular beams. Therefore all elements of claim 24 of the instant application are not disclosed in the cited combination. Applicant respectfully requests that the 103 rejection of instant claim 24 be withdrawn.

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CONCLUSION

In light of the above, withdrawal of the rejections is requested. Early notification that pending claims 1, 14, 15, 24, 27-29, and 31-35 are in condition for allowance is earnestly solicited.

Respectfully submitted,

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